



POLICE DEPARTMENT

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In the Matter of the Disciplinary Proceedings :

- against - :

FINAL

Police Officer Michael Kreiman :

ORDER

Tax Registry No. 928597 :

OF

Brooklyn Court Section :

DISMISSAL
-----X

Police Officer Michael Kreiman, Tax Registry No. 928597, having been served with written notice, has been tried on written Charges and Specifications numbered 2019-20392 and 2019-21123, as set forth on forms P.D. 468-121, dated April 22, 2019 and October 15, 2019, respectively, having pleaded Guilty, and after a review of the entire record, has been found Guilty of the charged misconduct.

Now therefore, pursuant to the powers vested in me by Section 14-115 of the Administrative Code of the City of New York, I hereby DISMISS Police Officer Michael Kreiman from the Police Service of the City of New York.

DERMOT F. SHEA
POLICE COMMISSIONER

EFFECTIVE:

9/1/21

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POLICE DEPARTMENT

May 6, 2021

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In the Matter of the Charges and Specifications	:	Case Nos.
- against -	:	2019-20392
Police Officer Michael Kreiman	:	2019-21123
Tax Registry No. 928597	:	
Brooklyn Court Section	:	

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At: Police Headquarters
One Police Plaza
New York, NY 10038

Before: Honorable Jeff S. Adler
Assistant Deputy Commissioner Trials

APPEARANCES:

For the Department: Kachina Brock, Esq.
Department Advocate's Office
One Police Plaza
New York, NY 10038

For the Respondent: Michael Martinez, Esq.
Worth, Longworth & London, LLP
111 John Street, Suite 640
New York, NY 10038

To:

HONORABLE DERMOT F. SHEA
POLICE COMMISSIONER
ONE POLICE PLAZA
NEW YORK, NY 10038

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CHARGES AND SPECIFICATIONS

Disciplinary Case No. 2019-20392

1. Said Police Officer Michael Kreiman, while on-duty and assigned to the 6th Precinct, on or about and between October 30, 2018 and December 31, 2018, did wrongfully engage in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Police Officer Kreiman arrested an individual known to the Department and subsequently contacted her repeatedly to commence and/or engage in a personal relationship.
P.G. 203-10, Page 1, Paragraph 5 PROHIBITED CONDUCT
P.G. 203-10, Page 1, Paragraph 2(C) CRIMINAL ASSOCIATION
2. Said Police Officer Michael Kreiman, while on-duty and assigned to the 6th Precinct, on or about November 1, 2018 and November 2, 2018, did wrongfully engage in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Police Officer Kreiman arrested an individual known to the Department and subsequently contacted her repeatedly to commence and/or engage in a personal relationship.
P.G. 203-10, Page 1, Paragraph 5 PROHIBITED CONDUCT
P.G. 203-10, Page 1, Paragraph 2(C) CRIMINAL ASSOCIATION
3. Said Police Officer Michael Kreiman, while on-duty and assigned to the 6th Precinct, on or about November 2, 2018 and November 22, 2018, did wrongfully engage in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Police Officer Kreiman responded to a domestic dispute and subsequently provided his personal phone number to the female complainant known to the Department and contacted her repeatedly to commence and/or engage in a personal relationship.
P.G. 203-10, Page 1, Paragraph 5 PROHIBITED CONDUCT
P.G. 203-10, Page 1, Paragraph 2(C) CRIMINAL ASSOCIATION
4. Said Police Officer Michael Kreiman, while on-duty and assigned to the 6th Precinct, on or about November 1, 2018, did wrongfully engage in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Police Officer Kreiman offered money to an individual known to the Department in exchange for sexy photos and kissing.
P.G. 203-10, Page 1, Paragraph 5 PROHIBITED CONDUCT
5. Said Police Officer Michael Kreiman, while on-duty and assigned to the 6th Precinct, on or about November 1, 2018, having taken property into custody, did thereafter fail and neglect to prepare a Property Clerk's Invoice Worksheet as required.
P.G. 208-03 ARRESTS – GENERAL
PROCESSING
6. Said Police Officer Michael Kreiman, while on-duty and assigned to the 6th Precinct, on or about November 1, 2018, did wrongfully engage in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Police Officer Kreiman did

instruct an individual known to the Department in police custody to meet him at a location outside of the precinct to retrieve their property.

P.G. 203-10, Page 1, Paragraph 5

PROHIBITED CONDUCT

7. Said Police Officer Michael Kreiman, while on-duty and assigned to the 6th Precinct, on or about October 1, 2018 and April 13, 2019, did engage in computer misuse by conducting queries of two (2) individuals known to the Department for non-Departmental purposes.

P.G. 219-14, Page 1, Paragraphs 1, 2 &
Additional Data

DEPARTMENT COMPUTER
SYSTEM
DEPARTMENT PROPERTY

8. Said Police Officer Michael Kreiman, while on-duty and assigned to the 6th Precinct, on or about April 15, 2019, engaged in conduct prejudicial to the good order and efficiency of the Department, to wit: said Police Officer provided misleading statements during his official Department interview when he stated that he did not contact other females who he arrested or issued a summons when that was not in fact true.

P.G. 203-10, Page 1, Paragraph 5

PUBLIC CONTACT GENERAL

Disciplinary Case No. 2019-21123

1. Said Police Officer Michael Kreiman, while on-duty and assigned to the Brooklyn Court Section, on or about April 15, 2019, in New York County, during an official Department investigation conducted by Internal Affairs Group 12, did wrongfully make false statements, to wit: said Police Officer Michael Kreiman stated he did not have unvouchered property in his possession, when that was not in fact true.

P.G. 203-08, Page 1, Paragraph 1

MAKING FALSE STATEMENTS

REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me on April 7, 2021.

Respondent, through his counsel, entered a plea of Guilty to the subject charges and testified in mitigation of the penalty. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review. Having reviewed all of the evidence in this matter, I recommend that Respondent be DISMISSED from the New York City Police Department.

SUMMARY OF EVIDENCE IN MITIGATION

During a four-day span in late 2018, Respondent was involved in three separate arrest situations in Manhattan. Respondent has admitted that he had inappropriate personal contact with female civilians in connection with each of those incidents, two of which were part of pre-arranged integrity tests. Respondent also has admitted to mishandling recovered property, misusing the Department computer, and making false and misleading statements in his Department interview on April 15, 2019.

As part of an integrity test on November 1, 2018, Respondent came upon a female undercover officer who was pretending to be asleep on a park bench. In close proximity to the female was a pocketbook that contained a quantity of crack cocaine. Respondent took the female into custody, and brought her to the stationhouse for arrest processing. The female revealed that she was a prostitute, and Respondent asked her how much she charged. Respondent acknowledged that he engaged in additional inappropriate dialogue with the female: he asked her if she liked sex, whether drinks made her “horny,” and a number of detailed, vulgar questions about her private parts. He also discussed having sex with her. Respondent claimed that part of his purpose in speaking this way to the female was to gather intelligence with an eye toward using her as an informant. However, he conceded that he also was pursuing a possible romantic relationship. (Tr. 40-46, 76-81)

After the District Attorney’s office decided not to charge the female, Respondent arranged to meet her a short distance from the stationhouse in order to return her property. Respondent admitted that he did not follow the appropriate procedure, which would include returning the property at the precinct and having her sign a “property return receipt.” During their meeting, which Respondent conceded was improper, he returned her property, and also insisted that she take additional items that she did not own. Respondent asked the female for

“sexy photographs” of herself, and urged her to go with him to his personal vehicle and take “sexy photographs.” He asked for her phone number, and gave her the number to his personal cell phone as well; subsequently, they exchanged multiple text messages and calls. (Tr. 45-52, 81-85)

On November 2, 2018, as part of a second integrity test, Respondent came upon a staged domestic incident. After preparing a DIR for the female involved, Respondent began “flirting” with her about her tongue ring. He asked for her phone number, and gave her his personal number as well, telling her that she could call him, but he could not call her. Respondent and the female subsequently exchanged a number of calls and texts, though they did not meet again in person. Respondent admitted that he asked the female for sexy photos, which was inappropriate. (Tr. 52-58, 86-88)

Respondent also acknowledged inappropriate behavior involving a female he arrested on October 30, 2018, unconnected to any integrity test. After arresting the woman for grand larceny, he exchanged a number of calls and texts with her while her criminal case was still pending, with the hope of establishing a “romantic” relationship. He met with the female on one occasion; they talked and drove around in his vehicle, but did not have physical relations. (Tr. 59-62, 88-90)

Respondent acknowledged that prior to these encounters, he had been instructed by the Department to avoid inappropriate personal relationships with civilians connected to law enforcement action. Specifically, in 2015 he received a letter of instruction from Internal Affairs on the matter. (Tr. 85-86)

Respondent provided some background information to provide some insight into his inappropriate actions in these cases. He testified that while he still was at the Academy in 2001, he was “abruptly deployed” to deal with the aftermath of the September 11 terrorist attack. The

following year, he was guarding a crime scene when he was ambushed by three individuals with firearms who shot him in the abdomen. After apprehending one of the assailants, Respondent was transported to Kings County Hospital where he had surgery to remove a portion of his small intestine. Respondent was awarded the Combat Cross in connection with that incident. (Tr. 30-39)

Additionally, Respondent testified that [REDACTED] [REDACTED]

[REDACTED]

[REDACTED] In the aftermath of that tragedy, Respondent suffered from depression, and was “not thinking straight.” He needed an outlet, and was looking for attention, for someone to talk to. (Tr. 70-73)

Respondent also admitted to misconduct regarding his answers during his Department interview on April 15, 2019. Initially, when asked whether he had contacted any female arrestees other than the two involved in the integrity tests, Respondent answered, “Not that I’m aware of.” (Dep’t. Ex. 1C at 14) When the question was later rephrased, Respondent again answered, “Not that I can recall at this time.” He then added, “It’s possible, but I doubt it.” (Dep’t. Ex. 1E at 3) Later in the interview, after being questioned about other specific arrestees, Respondent acknowledged that he had, in fact, contacted the female he arrested on October 30, 2018, for possible romantic involvement as described above. (Dep’t. Ex. 1F at 6-11) (Tr. 59, 88)

Separately, when asked whether he currently was in possession of any property connected to police enforcement activity, Respondent answered that he was not. (Dep’t. Ex. 1B at 22-23) Later in the interview, he was asked whether he currently had any unvouchered property in his Department locker; Respondent replied, “Not that I’m aware of.” (Dep’t. Ex. 1H at 3-4) A subsequent search of his locker uncovered several items of unvouchered property,

including a wallet, an individual's driver's license, a pair of sunglasses, and MetroCards. At trial, Respondent claimed that he had been "sloppy" in placing these items in his locker, rather than immediately vouchering them as required. He also testified that when he was asked about the items at his Department interview, he should have answered that he was unsure whether there was anything in his locker, and checked his locker to be sure. (Tr. 65-69)

Respondent also admitted to conducting unauthorized computer inquiries on two occasions, one of which was a search on a fellow MOS who had been arrested. Respondent was not able to recall any additional details as to why he did these searches. (Tr. 63-64, 90)

PENALTY

In order to determine an appropriate penalty, the Tribunal, guided by the Department's Disciplinary System Penalty Guidelines ("Disciplinary Guidelines"), considered all relevant facts and circumstances, including any aggravating and mitigating factors established in the record. Respondent's employment record also was examined. *See* 38 RCNY § 15-07. Information from Respondent's personnel record that was considered in making this penalty recommendation is contained in an attached memorandum. In 2012, Respondent forfeited 45 vacation days for his misconduct in two matters: in one case, he failed to prepare a complaint report, and in the second, he submitted performance reports with false and inaccurate information. In 2015, Respondent forfeited 35 vacation days and was placed on dismissal probation for possessing drug paraphernalia in his Department locker. In 2016, Respondent forfeited 10 vacation days for making inaccurate or misleading statements at a Department interview.

Respondent has pleaded guilty to each of the charges against him, and testified in mitigation. The Department Advocate recommends that based on the totality of Respondent's misconduct, he be dismissed from the Department. In support of that recommendation, the

Advocate points, in particular, to the category “Sexual Proposition/Unwanted Verbal Sexual Advances” on page 26 of the Disciplinary Guidelines, and argues that the aggravated penalty of termination is warranted since Respondent previously had received instructions on this very issue. Also, Respondent has admitted to making false and misleading statements at his official Department interview; the presumptive penalty for false statements is termination as well.

Counsel for Respondent essentially concedes that the misconduct here warrants separation from the Department, but asks that Respondent’s many years of service to the Department be taken into account, as well as a number of hardships he experienced that took a toll on him. Specifically, counsel points to the incident where Respondent, still a rookie, was shot in the abdomen, requiring surgery where a portion of his small intestine was removed; Respondent was subsequently awarded the Combat Cross. Respondent explained that after being out sick for 18 months, he returned to work, because “I love being a police officer, I love the NYPD.” (Tr. 37) Respondent also recounted how he [REDACTED] following the [REDACTED], and how he was not thinking straight after that; the incidents with the three women occurred a few months later. Counsel suggests that it would be an unfair hardship if Respondent, who is just shy of 20 years with the Department, were to lose his pension and medical benefits because of these cases.

This tribunal is mindful of the factors enumerated by counsel on Respondent’s behalf, in particular the tragic experience of [REDACTED]. Nevertheless, under the circumstances presented here, separation from the Department is appropriate. Respondent’s conduct in this case was egregious, and constituted a serious breach of the public trust. In three separate enforcement situations, Respondent took advantage of women in vulnerable situations for his personal needs. He exploited his position as a police officer to pursue personal relationships with two arrestees, and with a third woman who was purportedly a victim of domestic violence.

with two arrestees, and with a third woman who was purportedly a victim of domestic violence. Of even greater concern is that he did this even after receiving specific instructions from the Department in 2015 warning him against engaging in this precise behavior. Additionally, Respondent provided false statements at his Department interview regarding the presence of unvouchered property in his locker, and misleading statements regarding whether he had pursued personal relationships with any other female arrestees.

With his actions in these cases, Respondent has demonstrated that he does not possess the sound judgment necessary to continue as a member of the Department. The public has a right to rely upon police officers to be the protectors of people, not to prey on their vulnerability. Taking into account the totality of the facts and circumstances in these matters, including Respondent's prior disciplinary record, which indicates an inability to adhere to Department rules and standards, I recommend that Respondent be DISMISSED from the New York City Police Department.

Respectfully submitted,



Jeff S. Adler
Assistant Deputy Commissioner Trials

APPROVED
SEP 01 2021

DANIEL J. SHEEHAN
POLICE COMMISSIONER



POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials

To: Police Commissioner

Subject: SUMMARY OF EMPLOYMENT RECORD
POLICE OFFICER MICHAEL KREIMAN
TAX REGISTRY NO. 928597
DISCIPLINARY CASE NOS. 2019-20392 & 2019-21123

Respondent was appointed to the Department on July 2, 2001. On his three most recent annual performance evaluations, Respondent received ratings of "Exceeds Expectations" for 2018, 2019 and 2020. He has been awarded one medal for Excellent Police Duty and one medal for Meritorious Police Duty.

In 2012, Respondent forfeited 45 vacation days after pleading guilty to failing to prepare a complaint report after being informed of a crime by a complainant, and in a second case, submitting four monthly activity reports and one activity sheet containing false information.

In 2015, Respondent forfeited 35 vacation days and was placed on dismissal probation after pleading guilty to possessing drug paraphernalia and hypodermic needles in his Department locker. In connection with this case, Respondent was placed on Level 2 Discipline Monitoring from March to September 2015, at which time dismissal probation commenced. Respondent remained on dismissal probation until August 2017.

In 2016, Respondent forfeited ten vacation days after pleading guilty to making misleading statements at an official Department interview.

In connection with the instant matters, Respondent was suspended from April 15, 2019 to May 14, 2019, and placed on Level 2 Discipline Monitoring in June 2019. He was suspended again from September 25, 2019 to October 24, 2019, and placed on modified status thereafter. Monitoring also remains ongoing.

For your consideration.

Jeff S. Adler
Assistant Deputy Commissioner Trials